

MINUTES
BOATING AND WATERWAYS COMMISSION MEETING
SAN FRANCISCO, CALIFORNIA
February 21, 2008

Pursuant to due and regular notice, the meeting of the Boating and Waterways Commission was called to order by Chairman Rupf, on February 21, 2008, at 8:30 A.M., at the Marriott San Francisco Fisherman's Wharf hotel, 1250 Columbus Avenue, San Francisco, California.

ROLL CALL

Commissioners Present: Lenora S. Clark
 Douglas W. Metz
 Robert Y. Nagata
 Edward C. Reno III
 Warren E. Rupf

Commissioner Absent: H.P. "Sandy" Purdon

Department of Boating and
Waterways Personnel Present: Raynor Tsuneyoshi, Director
 Penny Schulz, Staff Counsel
 Steve Watanabe, Chief, Facilities Division
 David Johnson, Division Chief
 Debra DeVerter, Chief, Administration
 Harold Flood, Manager, Facilities Division
 Phaedra Bota, Manager, Education Unit
 Kevin Atkinson, Associate Governmental Program Analyst
 Renae Anub, Associate Governmental Program Analyst
 Joleane King, Associate Governmental Program Analyst
 Gloria Sandoval, Public Information Officer
 Margarita Sanchez, Administrative Assistant

APPROVAL OF MINUTES

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Nagata that the Boating and Waterways Commission minutes of the December 7, 2007, meeting be approved. The motion carried unanimously.

CHAIRMAN'S REPORT

Chairman Rupf stated as chairman for 2008, he would like to focus on boating opportunities for California boaters and to discuss the Commission's process of policy, predictability and partnership. He said with regards to predictability, boaters, boater's representatives and the public will know well in advance where and when the Commission will meet so that they may attend and give comments.

DIRECTOR'S REPORT

Mr. Tsuneyoshi congratulated Commissioners Clark and Metz on their recent reappointment by the Governor to the Boating and Waterways Commission. Their new terms, he said, will expire on January 15, 2012.

Mr. Tsuneyoshi reported on the passing of Ken Johnson. Mr. Johnson had received the Public Service Award from the Department during the Commission meeting in Redding. Mr. Johnson was a design engineer who attended almost every Commission meeting since 1970.

Mr. Tsuneyoshi added that Ken was a gentleman, a friend and a supporter of the boating community and will truly be missed.

Mr. Tsuneyoshi spoke briefly on the Governor's proposed \$84.7 million budget for the Department. The Department's proposed budget includes the following:

- \$22,266,000 - Public small craft harbor loans
- \$4,734,000 - Boat launching facility grants
- \$5,000,000 - Loans to businesses for the construction of recreational marinas
- \$843,000 - Clean Vessel Act grant program
- \$1,000,000 - Boating trails
- \$500,000 - Grants to loan agencies for the removal of abandoned vessels
- \$10,600,000 – To counties for boating law enforcement
- \$6,500,000 - First year funding to restore San Diego beaches

Mr. Tsuneyoshi reported that Zebra mussels were found in early January in San Justo Reservoir; these are the first found in California waters. He added the East Bay Municipal Utility District, as of February 1st, banned boating vessels coming from Nevada, Southern California, San Benito and Santa Clara counties. Reservoirs being affected by the decision are San Pablo, Briones, LaFayette, Chabot, Camanche and Pardee. Informational cards on the Quagga mussel were available to the public.

The Department, he said, will continue to work with stakeholders and boating organizations to ensure that AB 2110, the mandatory education bill, sponsored by Recreational Boaters of California, is well crafted from a policy standpoint and technical implementation.

He added the Department received \$1.82 million in grants from the U.S. Fish and Wildlife Service's Boating Infrastructure Grant program. The grant helps fund construction of docks, boat slips and other facilities to support recreational boating.

Mr. Tsuneyoshi presented to Commissioner Clark an award for chairing the Boating and Waterways Commission in 2007. Commissioner Clark thanked the Commission and the Department for giving her the opportunity to serve for the boaters of California.

LEGISLATIVE REPORT

David Johnson reviewed the Legislative Report and gave the Commission an update of legislative matters concerning the Department. Copies of the Legislative Report were available to the public and Mr. Johnson was available to answer questions from the Commission members.

Mr. Johnson reported on the following bills:

AB 118 (Nunez), concerning carbon reduction funding and a correction from previous reports: AB 118 only impacts the initial registration of the vessel, not renewal applications;

AB 1950 (Lieu), concerning a proposed new Cal Boating program to provide grant funding to local agencies for the disposal of "surrendered vessels" to reduce the number of abandoned vessels;

SB 1159 (Cox), concerning the ban of alcohol on nonmotorized vessels on holiday weekends on a designated section of the Truckee River, in Placer County, under specified conditions;

AB 2210 (Duval), requiring motorboat operators to pass a boating safety examination and carry a vessel operator card issued by the department;

AB 990 (Berg), which would help implement the Spud Point Marina Settlement Agreement between the department and Sonoma County. AB 990 contains an urgency clause and is presently in the Senate.

PROPOSED CONSENT CALENDAR

Mr. Flood presented the Consent Calendar to the Commission for approval.

Commissioner Metz asked why a phase II project is on the consent calendar and not on the regular agenda. Mr. Flood responded that any project over \$4 million is on the regular agenda. Chairman Rupf added if a project on the consent calendar needs further discussion, then that item can be pulled from the consent calendar.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Reno that the Commission approve the Consent Calendar as presented. The motion carried unanimously

CONSIDERATION OF PUBLIC GRANTS

Mr. Flood presented to the Commission for its advice and consent the following requests for public grants.

Coyote Point Boat Launching Facility

The County of San Mateo has applied to the Department of Boating and Waterways for a grant for improvements to the Coyote Point Boat Launching Facility. This concerns total grant funding of \$150,000.

Coyote Point, formerly known as San Mateo Point, is located along the San Francisco Bay, about 20 miles south of Downtown San Francisco and is part of the 647-acre Coyote Point Recreation Area, of which 538 acres is water.

Mr. Flood indicated the proposed project will consist of replacing the existing portable restroom with a two-unit unisex CXT restroom with utilities to be located approximately 110' from the launch ramp and will replace the portable chemical toilets currently being used as the sole restroom facilities.

Gary Lockman, Park Superintendent, and Ed Hallet, Assistant Harbor Master, representing Coyote Point Boat Launching Facility, and were available to answer questions from the Commission.

Commissioner Metz commented on the excellent tour of Coyote Point and asked about the current boat launching fee of \$8. Mr. Flood responded the fee can be raised up to \$13 as indicated in the contract and increased based on CPI adjustments.

Commissioner Reno asked why the approval of this proposed project is contingent on passage of the 08/09 State budget. Mr. Flood responded that the project is currently a line item in the 08/09 budget. Staff is presenting the project to the Commission now so that the project can move forward faster if approved. Assuming approval by the Legislature, Governor and Commission, funds will be available as soon as the Budget is signed. Construction could begin this year.

Mr. Flood stated staff recommends that the Boating and Waterways Commission consent to grant funding of \$150,000, to the County of San Mateo for improvements to the Coyote Point Boat Launching Facility.

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Nagata that the Commission approve the grant funding of \$150,000 to the County of San Mateo for improvements to the Coyote Point Boat Launching Facility contingent on the project being funded in, and passage of the 08/09 State budget. The motion carried unanimously.

CONSIDERATION OF PUBLIC LOANS

Mr. Flood presented to the Commission for its advice and consent the following request for a public loan.

Coyote Point Marina

The County of San Mateo has applied to the Department of Boating and Waterway for a loan for improvements to the Coyote Point Marina. This concerns initial loan funding of \$218,000 for this proposed project. The total loan amount would be \$1.829 million.

Mr. Flood indicated the proposed project entails replacement of Dock 29 at the northeastern end of Coyote Point Marina.

Gary Lockman, Park Superintendent, and Ed Hallet, Assistant Harbor Master, representing Coyote Point Marina were available to answer questions from the Commission.

Mr. Flood stated staff recommends that the Boating and Waterways Commission consent to loan funding of \$218,000, to the County of San Mateo for improvements to the Coyote Point Marina.

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Clark that the Commission approve the loan funding of \$218,000 to the County of San Mateo for improvements to the Coyote Point Marina contingent on the project being funded in, and passage of the 08/09 State budget. The motion carried unanimously.

CONSIDERATION OF PUBLIC GRANTS (cont.)

Lake McClure Boat Launching Facility

Merced Irrigation District has applied to the Department of Boating and Waterways for a grant to construct a boat launching facility at McClure Point on Lake McClure. This concerns phase I grant funding of \$136,000 of a proposed \$2,400,000 grant.

The proposed boat launching facility will be located at McClure Point on the west side of Lake McClure, which is located in the northwest corner of Mariposa County, approximately 30 miles east of Modesto.

Mr. Flood indicated the proposed project entails construction of a new two-lane boat launching ramp. A boarding float will be installed adjacent to the ramp, and slope protection will be added to the sides of the ramp. A parking area will be constructed with sidewalks, curbs and lighting. A restroom and associated utilities will be installed as well as a project credit sign.

Commissioner Metz visited the proposed project site and said it is a beautiful lake and a popular recreational area for cities of Merced and Modesto. He stated the boat launching facility is needed for the growing recreational usage and recommends approval.

Bill Latronica, Park Superintendent, representing the Merced Irrigation District, was available to answer questions from the Commission.

Mr. Latronica said in the 38 years he has been living in the area, the population has tripled and at times it is too congested for boaters to put in their boats.

Mr. Flood stated staff recommends that the Boating and Waterways Commission consent to first-phase grant funding of \$136,000, to the Merced Irrigation District for construction of a boat launching facility at McClure Point on Lake McClure.

MOTION: It was moved by Commissioner Metz and seconded by Commissioner Nagata that the Commission approve the grant funding of \$136,000 to the Merced Irrigation District for construction of a boat launching facility at McClure Point on Lake McClure, contingent on the project being funded in, and passage of, the 08/09 State budget. The motion carried unanimously.

CONSIDERATION OF PUBLIC LOANS (cont.)

Sacramento Marina

The City of Sacramento has applied to the Department of Boating and Waterways for a loan of \$9,000,000 to improve the South Basin of the Sacramento Marina. This concerns phase V and final funding of \$1,475,000.

The Sacramento Marina is located two miles from downtown Sacramento in Miller Park, on the East bank of the Sacramento River. The facility consists of the North and South Basins.

Mr. Flood indicated the proposed project will entail: 1) demolition of existing berths (except 30 existing concrete berths which will be extended) and construction of a reconfigured system

containing 171 slips, 2) berth covers, including a portion of the North Basin, 3) installation of gangways, 4) replacement of dock utilities, 5) upgrading of shore electric, 6) dredging, 7) construction of a new restroom, 8) construction of a dock connector between the two basins, 9) installation of three fuel dispensers, 10) installation of a fire sprinkler system, and 11) addition of a security system.

Bud Camper, Marina Manager, City of Sacramento, was available to answer questions from the Commission.

Commissioner Clark said when the project was first brought before the Commission the configuration and the loan amounts were reviewed, and now on the last phase it has been reconfigured again. Mr. Flood responded the reconfiguration is minor and not much different than the original plan. He said the two harbors, the North Basin and the South Basin, are being connected by a dock system that goes around the office. This will be very convenient for the boaters.

Mr. Flood stated staff recommends that the Boating and Waterways Commission consent to loan of \$1,475,000 to the City of Sacramento to improve the South Basin of the Sacramento Marina.

MOTION: It was moved by Commissioner Clark and seconded by Commissioner Nagata that the Commission approve the phase V and final funding of \$1,475,000 to the City of Sacramento to improve the South Basin of the Sacramento Marina. The motion carried unanimously.

Chairman Rupf called for a break at 9:30 a.m.; the meeting resumed at 9:45 a.m.

CONSIDERATION OF PUBLIC GRANT SCOPE REVISION

Buckhorn Boat Launching Facility

This agenda item was pulled from the agenda and not heard.

OLD BUSINESS

Media Outreach

Mr. Johnson stated that Commissioner Clark had expressed some concerns about the Department's media campaign and that she has received some negative comments about the ads from boaters. He informed the Commission of two Department's media campaigns: vessel sewage outreach and boating safety. Department receives federal funds from the U. S. Fish and Wildlife Service for vessel sewage pump-out facilities and media outreach. The grant monies for

vessel sewage programs has to be used for media outreach and pump-out facilities. The boating safety campaign is statewide and is a media outreach campaign to reduce boating accidents, injuries, and fatalities. Mr. Johnson introduced Department staff, Kevin Atkinson, pump-out facilities and media outreach, Phaedra Bota, boating safety and Greg Glass, from Glass McClure, the Department's contracted media company.

Mr. Atkinson spoke on the Clean Vessel Act passed in 1992. The Act, established the CVA grant program to help fund the construction, renovation, operation, and maintenance of pump-out and dump stations to service recreational boaters and to provide boater education programs to promote public awareness about boat sewage and its proper disposal.

Mr. Atkinson stated that the Department is the designated state agency responsible for implementing the CVA program and competes with other states each year for approximately \$13 million in grant funds available from the Sportfish Restoration Account. California has received over \$16 million from the program to date and is the largest recipient of program dollars in the country. Mr. Atkinson stated no state or Department funding is used for the education component of the CVA program. He indicated the Department has provided grants to install or update over 150 pump-out and dump stations in California.

Chairman Rupf asked how the Department advertises the availability of the grants to the public. Mr. Atkinson responded the information is on the Department's website, in harbormasters newsletters, trade magazines, Department ads are in the boating magazines and cold calls are also made. He added information is also given to the San Francisco Bay Restoration Foundation and the Santa Monica Bay Restoration Foundation in Marina del Rey, who disseminate the information at boat shows and at meetings with local marinas.

Ms. Bota reported that the Department's media campaign began in 1998 and since 2001 the radio and print advertisement contract has been awarded to Glass McClure. Every two or three years the contract goes out to bid and Glass McClure has consistently been the lowest bidder. Market research has been done to develop the message ads and to target the areas and the problems that are tracked in the boating accident report. She indicated in 2006 the message ads were changed to reflect "If it's your boat, it's your responsibility" and the Resources Agency became involved in the Department's media at that time. Ms. Bota indicated in the 2008 campaign, the message will be the same, but the message will change slightly to reflect the accident statistics in the areas that need the outreach.

Commissioner Metz stated the media research varied from area to area and that the San Diego area has a very high incident of accidents. He would like to see, at another meeting, how the matching of the safety needs of a particular area is done with the immediate program for that area. Ms. Bota responded that the Department tries to target the top ten accident areas.

Commissioner Clark stated as past president of Recreational Boaters of California and as a member of the board of directors of Pacific Inter-Club Yacht Association, she has continued to receive comments regarding negative ads referring to boaters from the Department. She said boaters are being characterized as polluters and drinkers, etc. She is concern and would like to have the messages be done in a more positive way.

Mr. Tsuneyoshi stated in 2005 and 2006 alcohol related deaths in California were at 34% or 36% and last year it was close to 50%. He said because of this, the message ads pressure boaters and brings this issue to their attention; sometimes this approach works and sometimes it does not.

Commissioner Clark indicated the campaign of “If it’s your boat, it’s your responsibility” is a more positive message being sent to boaters.

Commissioner Reno asked why the Resources Agency became involved with the Department’s media campaign. Ms. Bota responded that Agency had hired a new Public Information Officer who had a media background and he looked at all departments’ media campaigns for the Agency.

Chairman Rupf stated the Commission would like to be involved and engaged in the Department’s process of education and media outreach, especially with regards to offering input on message ads.

Greg Glass of Glass McClure gave a PowerPoint presentation on the Department’s media campaign. He indicated the campaign goals are to increase awareness and encourage safe boating behavior among boaters, fisherman and personal watercraft operators, decrease the number of accidents in California’s waterways and save lives. Research, evaluation and various methods are done to test message ads, materials and proposed tactics against the target audiences to determine their effectiveness. Focus group testing and planning stages are done to develop appropriate creative message concepts. A media mix of radio, mobile billboards, wall graphics and beach barrels are developed. Some of the road signs for the water include:

- “Watch out for the other guy”
- “Have fun and be safe on the water”
- “Wear your life jacket”
- “Boat sober”
- “Don’t be reckless or careless on the water”
- “Take a boating safety course”

Mr. Glass said accidents and deaths were reduced but soon accidents and fatalities began to increase, so a hard hitting direct message was developed and the focus became boater accountability hence the message: “It’s your Boat. It’s your Responsibility”. He said 79% of registered boaters remember this message’s theme line. Mr. Glass indicated many boaters liked the hard hitting direct messages.

Mr. Glass indicated the clean vessel campaign started with two print ads for the San Francisco Estuary and work needs to continue to get the message out on pump-out stations. He said there was some awareness with the “Poop” ad and hopefully more people will be aware of what is in the waters and take notice and dump at the pump.

Commissioner Clark thanked Mr. Glass for his presentation, but disagrees that boaters were not offended by some of the Department’s ads. She added there are responsible boaters who are offended by some of the ads. She noted that the ads have shifted and show boaters in a better

image. Commissioner Clark agreed that the Commission be engaged in the Department's media campaign and in offering input on the messages.

Chairman Rupf asked that a copy of the PowerPoint presentation be sent to the Commissioners. He asked that Glass McClure consider the Commission as a focus group. Chairman Rupf asked if there are any partnerships with State Parks and if not it should be considered. Mr. Glass responded there is currently no partnership.

Mr. Tsuneyoshi stated the International Boating and Water Safety Congress has, year after year, awarded California first or second place awards for our media campaigns.

Commissioner Reno asked if anything can be done when granting a loan or grant to marinas to have them take into consideration the Department's outreach safety messages. Mr. Tsuneyoshi responded that it has not been considered at this time, but most marinas are willing to assist the Department and the Department will take a look at this.

Commissioner Clark stated she would like the Commissioners to be involved in the "Wear it California" campaign. Chairman Rupf agreed. Mr. Johnson stated he would be happy to interface with the Commissioners and the media campaign.

Cooper Anti-fouling Paint Update

Mark Rentz, Department of Pesticide Regulation (DPR), updated the Commission on Copper Anti-fouling Paint. He gave the Commission members a copy of a memorandum dated December 3, 2007, from Mary-Ann Warmerdam, Director, Department of Pesticide Regulation. Mr. Rentz stated copper antifouling paints can be a significant source of copper in marina waters and copper concentrations in many salt and brackish water marinas in California exceed water quality standards for copper. He said all antifouling paints will be reevaluated. Mr. Rentz indicated that DPR continues to work with state water boards, the Department and stakeholder groups.

Chairman Rupf noted that Commissioner Purdon who has a strong leadership role in the copper issue could not attend this meeting.

Commissioner Metz said he is aware of the high levels of copper in marina waters and the exceeding standards of the Regional Water Quality Control Board, but he wanted to know what the environmental impact is, how solid and reliable the data is, and what effect will it have on the Department. Mr. Rentz responded that question is better answered by the Regional Water Quality Control Board.

Commissioner Clark thanked Mr. Rentz for his presentation and also thanked DPR staff, Mr. Singhasemanon, for his work with the stakeholder community. She said at the last Commission meeting it was asked that someone from the State Water Resources Control Board be invited to address some of the concerns of the Commission.

Commissioner Reno stated he understands that to reduce 76% of the copper TMDL in the San Diego Marina basin one would have to replace the anticopper paint or reduce the amount of boats by 1500. He asked if DPR will be looking for standards in the reevaluation. Mr. Rentz said DPR, will not be looking into standards because the Regional Water Quality Board is the agency that sets the standards. He said DPR, with regards to copper, will look for mitigation measures that will ensure that the use of copper antifouling paints does not result in exceeding of the standards. Mr. Johnson added that the Department will invite someone from the Regional Water Quality Control Board to give a presentation at the Commission meeting in San Diego.

Mr. Tsuneyoshi said the Department did a recent study to look at the copper levels in the benthic levels in Shelter Island and found that even if all of the boats were removed from the area the concentration of copper will not diminish.

Chairman Rupf asked that documents and presentation handouts be given to the Commission before the meetings, so that questions and conversation can be more focused.

PUBLIC COMMENTS

Brad Gross, Dana Point Harbor Department, said at the last commission meeting, Commissioner Metz asked about recycling of docks. He said the options available for recycling of docks are salvage, reuse and recycling.

Mr. Gross indicated for salvage, reusing the docks cannot be done due to the age and condition, but there are 13 hybrids piles, electric conduit, and steel that can be salvaged. Mr. Gross gave the Commission a copy of the "Guidelines for Marine Artificial Reef Materials" which was compiled by the Technical Coordinating Committee Gulf States Marine Fisheries Commission. He said the Coastal Commission was considering an artificial reef that was being constructed by San Onofre, and Dana Point looked at using the 1300 pilings, but the steel would have to be removed and would be costly. Mr. Gross said all of the options are being looked as well as possibly putting language in the RFP and if a viable solution is found, he will present at a future Commission meeting. Commissioner Metz thanked Mr. Gross for his timely response and asked to be updated when his findings or conclusions are done so that other marinas having similar projects can benefit from this.

Commissioner Clark asked if Mr. Gross had any information on the harbormaster/port captain's wish list projects, where the Commission wanted to stay proactive. Mr. Gross replied that at a recent Ventura Board of Director's meeting it was discussed and in the *Slack Tide* newsletter it was mentioned that the Boating and Waterways Commission was looking for upcoming projects. He said a draft list may be available for the next Commission meeting.

Mr. Johnson reported that he just received word that the mandatory education bill, AB 2110 was introduced today. Commissioner Clark added that members of the audience can send letters of support for this bill.

Ted Warburton, City of Brisbane, commented on the media outreach presentation and said he has had boaters tell him why the Department thinks boaters would pump over the side. He said when someone walks into the harbormasters' office the Department's literature is available for everyone. Mr. Warburton said persuasive advertising does reach boaters, but enforcement also plays an important role in thwarting bad behavior; the BUI classes recently done in the Monterey effectively decreased the BUI incidents in the region. Maybe, he said, some of the money spent on media outreach can also be put into the enforcement program. Mr. Warburton said more advertisement should be done promoting the Department and enjoyable boating.

Chairman Rupf said as means of promoting the Department, there is no reason why the signage at marinas could not include the Department's website address.

COMMISSIONER ANNOUNCEMENTS

Commissioner Reno stated the meeting included great information. He would like to incorporate marinas buying into some of the Department's strategic initiatives as it relates to process of public funds allocations and having awareness to those entities and how they are subscribing to the media efforts.

Commissioner Metz agreed with Commissioner Reno's comments and added the Department should find ways to involve the grantee in fulfilling part of the Department's media programs, so that there will be safe, cleaner and enjoyable boating.

Commissioner Nagata did not have any announcements but agreed with both Commissioners Reno and Metz.

Commissioner Clark also agreed with the Commissioners and added that RBOC is celebrating its 40th year as an advocacy group for the boaters of California. She asked for public support on AB 2110.

Meeting Schedule for 2008

After discussion, it was agreed the 2008 boating and Waterways Commission meeting schedule will be as follows:

- April 24 & 25 in Santa Barbara
- June 11 & 12 in Tahoe
- August 28 & 29 in San Bernardino
- October 23 & 24 in Contra Costa County/Delta
- December 11 & 12 in San Diego

ADJOURN

Chairman Rupf adjourned the meeting in memory of Ken Johnson at 11:45 a.m.

Original signed by:

Raynor Tsuneyoshi, Secretary